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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,407	11/20/2003	Jerry C. Hogan	066884-0002	5555
7590	08/09/2005		EXAMINER	
			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/716,407	HOGAN, JERRY C.
Examiner	Art Unit	
Winnie Yip	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 38-49 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 38 is/are allowed.  
 6) Claim(s) 37-49 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>November 20, 2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This office action is in response to applicant's election filed on May 10, 2005.

### ***Election/Restrictions***

1. Applicant's election without traverse of election in the reply filed on May 10, 2005 is acknowledged.

Claims 1-37 have been cancelled by applicant's preliminary amendment filed on November 20, 2003. Claims 38-49 are pending in the application and drawn to an elected invention.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "93" has been used to designate both protrusion (see Figs. 1 and 4-5) and an interior trim (see Fig. 6); and reference character "42" has been used to designate both a screw (see Figs. 1-2 and 4) and a notch in the bead or mullion (see Fig. 8). According to the specification, the notch for the mullion should be "43" (see page 7) and the notch for the bead should be "115" (see page 8). Further, in Fig. 9 the legends for the notch and the protrusion for the bead (11) missed with number characters.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims are 39- 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard to claims 39-40 and 43-49, the phrase of "the step of mounting" lacks a proper antecedent basis or a same terminology because there is no "step of mounting" has being previously claimed. If there is a new step, a proper antecedent basis is required. For example, it may read "further comprising a step

of mounting....”. If not, it may be read on “further comprising the step of connecting...?

Regard to claim 39, the phrase “the step of inserting at least one third retainer...” lacks a proper antecedent basis since there is no step of “inserting at least one third retainer” has been previously claimed. Further “a notch” in this claim is confusing whether this notch is the same as the notch in the least one first rail as previous defined in claim 1. If so, a proper antecedent basis is required. If not these two notches must be differentiated separately.

Regard to claim 46, “at least one anchor” is not deemed to consist the body of the claimed invention, since there is only “an anchor” has bee previously claimed.

Regard to claim 49, “the steps” should read “steps” since there is no step of connecting a corner-rail previously claimed.

*Allowable Subject Matter*

5. Claim 38 is allowed.

6. Claims 39-49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: The prior art of record, whether taken individually or in combination, does not reveal or render obvious a method of installing a curtain wall to a building structure by steps connecting at least one rail to a mullion and mounted to building structure by an anchor in combination with all structural limitation of the curtain wall as claimed such as comprising the mullion having a I-section for supporting a first trim member, at least one rail having a notch being inserted and connected to at least one glazing pocket of the mullion by fasteners, at least one bead connected to the mullion by a fastener, and at least one retainer being inserted into a notch in the bead to retain a glazing infill component/glazing member between the mullion and rail in combination as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Citations***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ferrell et al. '880 and Skromeda '209 teach a curtain wall

having rails connected to a pair of glazing pockets of a mullion. UK Patent No. 2,349,654, Japanese Patent No. 7-324415 and Japanese Patent No. 2001-311251 teach various curtain walls being mounted to a building by anchors and having rails being mounted to the respective glazing pockets of at least one mullion as similar to the claimed invention.

*Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
August 8, 2005